

## ADJOURNMENT

Mr. [Vic] FAZIO of California. Mr. Speaker, it is with great regret that I move that the House do now adjourn in memory of the late Honorable WALTER H. CAPPS, our dear departed colleague.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 29, 1997, at 10 a.m., in memory of the late Honorable WALTER H. CAPPS of California.

## § 4. In Committee of the Whole

### § 4.1 The motion to adjourn is not in order in the Committee of the Whole.<sup>(1)</sup>

On Feb. 22, 1950,<sup>(2)</sup> the following transpired in the Committee of the Whole during consideration of the Federal Fair Employment Practices Act (H.R. 4453):

The CHAIRMAN.<sup>(3)</sup> . . .

The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.—*

on adjourning out of respect for deceased Members, see Ch. 38 *infra*.

1. *House Rules and Manual* §§ 333, 912 (2007).
2. 96 CONG. REC. 2218, 81st Cong. 2d Sess. See also 95 CONG. REC. 5616, 5617, 81st Cong. 1st Sess., May 4, 1949.
3. Francis E. Walter (PA).

## SHORT TITLE

SECTION 1. This act may be cited as the “Federal Fair Employment Practices Act.”

Mr. [Paul W.] SHAFER [of Michigan]. Mr. Chairman, I move that we now adjourn.

The CHAIRMAN. That motion is not in order in Committee.

*Parliamentarian’s Note:* In the Committee of the Whole, the proper motion is that the Committee “do now rise”, which motion, if adopted, would then permit a motion to adjourn in the House.

## § 5. Debate on Motion; Amendments

Because debate on the simple motion to adjourn or on the motion to fix the day to which the House shall adjourn is precluded by clause 4(b) and clause 4(c) of Rule XVI,<sup>(1)</sup> a prefatory statement leading up to the motion is not in order as debate on the motion and is not carried in the *Congressional Record*.<sup>(2)</sup>

The motion to lay on the table the motion to adjourn is not in order since under clause 4 of Rule XVI, the motion to adjourn is not debatable.<sup>(3)</sup>

1. *House Rules and Manual* §911 (2007).
2. See § 5.1, *infra*.
3. *House Rules and Manual* §911 (2007). See also § 5.2, *infra*.

The motion to adjourn is not subject to amendment fixing the time of adjournment.<sup>(4)</sup>

**§ 5.1 Pursuant to clause 4 of Rule XVI, the motion to adjourn is not debatable.<sup>(1)</sup>**

On Feb. 13, 2002,<sup>(2)</sup> the following proceedings took place:

**MOTION TO ADJOURN**

Mr. [John] LEWIS [of Georgia]. Mr. Speaker, I move that the House do now adjourn.

**PARLIAMENTARY INQUIRY**

Mr. [Mark] FOLEY [of Florida]. Mr. Speaker, if this is the most important bill to be sent to the floor by discharge petition by the minority, then why is it they call for adjournment on the day of the bill's presentation on the floor?

The SPEAKER pro tempore (Mr. CULBERSON).<sup>(3)</sup> The gentleman from Florida is recognized for a proper parliamentary inquiry. The gentleman will state his inquiry.

Mr. FOLEY. Mr. Speaker, does the bill, as presented under the rule, comply with the dictates of the discharge petition, or are we operating under a substitute version?

The SPEAKER pro tempore. The House is operating under the terms of House Resolution 344.

4. See § 5.3, *infra*.

1. *House Rules and Manual* § 911 (2007).

2. 148 CONG. REC. 1291, 107th Cong. 1st Sess.

3. John Abney Culberson (TX).

A motion to adjourn has been offered, and it is not debatable. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

**RECORDED VOTE**

Mr. LEWIS of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 13, noes 405, not voting 16, as follows:

[Roll No. 18] . . .

So the motion to adjourn was rejected.

**§ 5.2 A motion under clause 4(c) of Rule XVI that when the House adjourns it stand adjourned to a time certain is not debatable, and thus is not subject to the motion to lay on the table.<sup>(1)</sup>**

On Nov. 17, 1981,<sup>(2)</sup> the following proceedings occurred in the House:

**(FIRST LEGISLATIVE DAY)**

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT). . . .

1. *House Rules and Manual* § 911 (2007).

2. 127 CONG. REC. 27768–71, 97th Cong. 1st Sess.

## PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. MURTHA).<sup>(3)</sup> This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

. . .

A motion to reconsider was laid on the table.

Mr. [Edward P.] BOLAND [of Massachusetts]. Mr. Speaker, I ask unanimous consent that further reading of the Private Calendar be dispensed with.

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BOLAND. Mr. Speaker, I move further reading of the Private Calendar be dispensed with.

## POINT OF ORDER

Mr. [F. James] SENSENBRENNER [Jr., of Wisconsin]. Mr. Speaker, I make a point of order against the motion.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SENSENBRENNER. Mr. Speaker, clause 6 of rule XXIV, the second paragraph says that—

On the third Tuesday of each month after the disposal of such business on the Speaker's table as requires reference only, the Speaker may direct the Clerk to call the bills and resolutions on the Private Calendar.

There is a precedent that the Private Calendar may be dispensed with, but

that was only before the first bill was called on the Private Calendar.

I would state that since the first bill has been called on the Private Calendar, in order to comply with clause 6 of rule XXIV, the complete Private Calendar must be called unless dispensed with by unanimous consent. The unanimous-consent request has been objected to.

I believe that the point of order should be sustained and the motion should be ruled out of order.

The SPEAKER pro tempore. The Chair will note that under clause 6, rule XXIV on the first Tuesday of each month, a two-thirds vote is required to dispense with the call of Private Calendar, that call being automatic. The Speaker's authority to direct the call is discretionary on the third Tuesday, and so the rule is silent on the motion to dispense with the call, and consistent with that discretionary authority and absent any precedent to the contrary, the point of order should be overruled.

Mr. SENSENBRENNER. Mr. Speaker, I appeal the decision of the Chair.

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I move that the motion to appeal the Chair's decision be laid on the table.

The SPEAKER pro tempore. The question is on the motion to lay the appeal from the Chair's decision on the table.

The question was taken; and on a division (demanded by Mr. SENSENBRENNER) there were—yeas 75, nays 37.

3. John P. Murtha, Jr. (PA).

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

Mr. FOLEY. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FOLEY moves that when the House adjourns today it adjourn to meet at 4 p.m. today.

Mr. WALKER. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. Under the last sentence of clause 4, rule XVI, that motion to adjourn is not debatable and therefore cannot be laid on the table.

The question is on the motion.

□ 1245

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 191, nays 172, not voting 70, as follows:

[Roll No. 306] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded. . . .

□ 1300

#### ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Washington (Mr. FOLEY).

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 188, nays 172, not voting 73, as follows:

[Roll No. 307] . . .

So the motion was agreed to.

Accordingly (at 1 o'clock and 19 minutes p.m.) the House adjourned until 4 o'clock p.m.

*Parliamentarian's Note:* This was the first occasion on which the motion under clause 4 of Rule XVI was utilized to adjourn to a later time on the same calendar day, although its use for that purpose has been previously discussed. The only other occasions where the House held more than one legislative session on the same legislative day which appear to be a matter of record occurred in the Second and Fourth Congresses.<sup>(4)</sup>

**§ 5.3 A motion to fix the time to adjourn is not a permissible motion and thus does not take precedence over the simple motion to adjourn, and a simple motion to adjourn is not subject to**

4. See 5 Hinds' Precedents § 6724, fn. 1.

### **amendment fixing the time of adjournment.**

On Feb. 15, 1950,<sup>(1)</sup> a Member inquired whether it would be in order to amend a simple motion to adjourn.

Mr. [Clare E.] HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. HOFFMAN of Michigan. Does a motion to fix time to adjourn take precedence over a motion to adjourn?

The SPEAKER. It does not.

Mr. HOFFMAN of Michigan. A further parliamentary inquiry, Mr. Speaker: Is it in order to offer to a motion to adjourn, an amendment seeking to fix the time of adjournment?

The SPEAKER. It is not.

*Parliamentarian's Note:* The motion to set the day and time of reconvening is of equal privilege, at the Speaker's discretion, to the simple motion to adjourn under clause 4(c) of Rule XVI,<sup>(3)</sup> but is to be distinguished from a motion to "fix the time of adjournment" which is not in order.<sup>(4)</sup>

1. 96 CONG. REC. 1808, 81st Cong. 2d Sess.

2. Sam Rayburn (TX).

3. *House Rules and Manual* § 911 (2007).

4. *Id.* at § 913.

## **§ 6. Voting; Effect of Adoption**

### **§ 6.1 The motion to adjourn is subject to a record vote.**

On Feb. 8, 1964,<sup>(1)</sup> a Member inquired whether a motion to adjourn would be subject to a roll call vote. The exchange between the Member and the Speaker was as follows:

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.<sup>(2)</sup> The gentleman will state it.

Mr. HALLECK. When the motion to adjourn is made, could that be subject to a rollcall vote?

The SPEAKER. If a sufficient number stand. . . .

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion.

Mr. [William M.] McCULLOCH [of Ohio]. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 175; not voting 36. . . .

So the motion to adjourn was agreed to.

### **§ 6.2 Adoption of a concurrent resolution providing for adjournment *sine die* or adjournment to a day certain**

1. 110 CONG. REC. 2616, 2639, 88th Cong. 2d Sess.

2. John W. McCormack (MA).